

[20th August 1925]

- (d) The procedure did not result in hardship and injustice to the poor by making appealable cases non-appealable as out of 224 cases tried by the first-class Bench President while he was in charge of the second-class Bench Court, only four cases were contested and the fines levied in those cases ranged from four annas to rupee one.
- (e) The suggestion that the first-class Bench Court has not got sufficient work has no foundation as the work of the Bench is steadily on the increase. The number of cases tried by the Bench in 1924 was 329 against 114 of 1923 and the number till 15th July 1925 was 324 excluding the second-class cases tried by the first-class Bench.

### Civil Justice.

#### *Grant of increments to unpassed men.*

\* 164 Q.—Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB: Will the hon. the Law Member be pleased to state whether the Government will call for and place on the table the Accountant-General's reply No. T.M. 25-4-405, dated 20th/21st March 1923, to the letter No. R.O.C. 480/23, dated 12th March 1923, of the Registrar of the High Court, Madras, thereon in the matter of the grant of increments to unpassed men?

A.—The Government are not prepared to lay the communication referred to on the table.

Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB:—"May I know the reason, Sir?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"I think the reason is contained in the question itself. We are asked to lay on the table the Accountant-General's reply to the Registrar of the High Court, Madras. Correspondence like that which passes between two different departments are not generally placed on the table of the Council. If it is a letter addressed to the Government or a letter emanating from the Government itself, it is a different matter. It may be the views of the Accountant-General might not have been agreed to by the High Court, and we cannot place them on the record of the House."

#### *Activities of the Rule Committee as per the Report of the Civil Justice Committee.*

\* 165 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

(a) whether the Government have perused the report of the Civil Justice Committee;

(b) whether they propose to take any action in the matters referred to therein especially increasing the activities of the Rule Committee and other matters requiring action by the local Government and those meant for consideration of the presiding officers; and

(c) whether he would place on the table of the House an outline of the action proposed to be taken by the Government and take the opinion of the Council thereon?

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A.—(a) (b) & (c) (1) The hon. Member is referred to the answer given to question No. 160. The recommendations of the Committee fall generally under three main heads:—

- (i) those that require legislation either in the Indian Legislature or in the Provincial Legislature;
- (ii) those that require action by the High Court or by presiding officers of courts; and
- (iii) those that require administrative action by local Governments.

The Government of India are addressing the local Government on all the recommendations.

- (2) Recommendations coming under class (i) are being examined by this Government in consultation with the Honourable the Judges of the High Court. The views of the local Government on these recommendations will be forwarded to the Government of India and steps will be taken where necessary to give effect to the suggestions by legislation in the Central or in the Provincial Legislature as the case may be.
- (3) In the case of the recommendations coming under class (ii) the Committee have suggested that some of the recommendations may, in the interests of uniformity, be most conveniently given effect to by legislation. The opinion of the local Government on these recommendations together with the views of the Honourable the Judges will be forwarded to the Government of India who will decide whether any and if so which of the recommendations should be made the subject of legislation and which should be left to the High Court to deal with under their rule-making powers. As regards the less important recommendations under this head, the Honourable the Judges are being requested to take the necessary action.
- (4) Finally, in the case of the proposals that fall under class (iii) the Government are examining the recommendations of the Committee in consultation with the High Court.
- (5) The Council will be consulted as occasion arises.

*The functions of the Revenue Divisional Officer, British Cochin.*

\* 166 Q.—MR. S. SATYAMURTI: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

- (a) whether in British Cochin the Revenue Divisional Officer is also the Subordinate Judge;
- (b) whether in posting such officers any attention is paid to their legal qualifications; and
- (c) whether the Government propose in future to appoint to such office only officers who possess judicial qualifications?

A.—(a) Yes.

(b) & (c) Yes, as far as practicable.